

**Withrow & Terranova**

Professional Limited Liability Company

Attorneys At Law  
Registered Patent Attorneys*A High Technology Patent Practice*RECEIVED  
CENTRAL FAX CENTER

APR 07 2006

## FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Examiner Dustin Nguyen	Benjamin S. Withrow
COMPANY:	DATE:
USPTO - Art Unit 2154	04/07/2006
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
571-273-8300	3
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
	7000-045
RE:	YOUR REFERENCE NUMBER:
Notice of Appeal	09/430,045

☐ URGENT ☐ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ ORIGINAL TO FOLLOW

## NOTES/COMMENTS:

Please find attached the following item(s):

- 1) Notice of Appeal (1 page);
- 2) Credit Card Payment Form for \$500.00 (1 page).

NOTE: The information contained in this transmission is privileged and confidential and intended ONLY for the individual or entity named above. If you should receive this transmission in error, please notify our office and return to the below address via the U.S. Postal Service.

201 SHANNON OAKS CIRCLE, SUITE 200

CARY, NC 27511

PH: (919) 654-4520

FAX: (919) 654-4521

RECEIVED  
CENTRAL FAX CENTER

APR 07 2006

PTO/SB/31 (08-03)

Approved for use through 07/31/2006. OMB 0851-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**NOTICE OF APPEAL FROM THE EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)

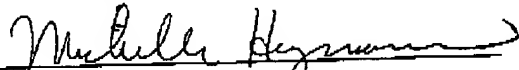
7000-045

I hereby certify that this correspondence is being transmitted via  
facsimile on the date indicated below to:

Examiner: Dustin NguyenFax Number: 571-273-8300Art Unit: 2154

Date:

Signature

Typed or printed  
nameMichelle Heymann

In re Application of

David Carroll Cromwell et al.Application Number  
09/430,045

Filed

10/29/1999For METHODS AND SYSTEMS FOR PROVIDING ACCESS TO STORED  
AUDIO DATA OVER A NETWORKArt Unit  
2154

Examiner

Dustin Nguyen

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b))

\$ 500.00

- ☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

04/07/2006 TLO11 00000077 09430045

- ☐ A check in the amount of the fee is enclosed.

01 FC:1401

500.00 07

- ☒ Payment by credit card. Form PTO-2038 is attached.

- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-1732. I have enclosed a duplicate copy of this sheet.

- ☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)
- ☒ attorney or agent of record. Registration number 40,876
- ☐ attorney or agent acting under 37 CFR 1.34(a). Registration number if acting under 37 CFR 1.34(a): \_\_\_\_\_

Signature

Benjamin S. Withrow

Typed or printed name

919-654-4520

Telephone number

April 7, 2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

- ☐ \*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 37 CFR 1.191. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.